

**EXHIBIT A**

1

2 50-h HEARING

-----X

3 In the Matter of the Claim of

4 MELISSA BUISSON,

5 CLAIMANT,

6 -against-

7

8 NYC COMPTROLLER, CITY OF NEW YORK & NEW  
YORK CITY DEPARTMENT OF SANITATION,

9 RESPONDENTS.

-----X

10 **File No.: 3009.748**11 **Claim No.: 2018PI22508**

12 DATE: September 17, 2018

13 TIME: 3:32 P.M.

14

15

16 50-h Hearing of MELISSA BUISSON,

17 the Claimant in the above-entitled matter,

18 pursuant to Statute, held at the offices of

19 Silverman, Shin &amp; Byrne, PLLC, 88 Pine

20 Street, 22nd Floor, New York, New York

21 10005, before a Notary Public of the State

22 of New York.

23

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## 2 A P P E A R A N C E S:

3

4 LAW OFFICES OF BRYAN BARENBAUM, ESQS.  
5 Attorney for the Claimant  
6 2060 Eastern Parkway  
7 Brooklyn, New York 11207  
8 BY: LEONORA BLOOM, ESQ.

9

10 SILVERMAN SHIN & BYRNE, PLLC  
11 Attorneys for Respondent  
12 88 Pine Street, 22nd Floor  
13 New York, New York 10005  
14 BY: SOULAFREDA VALASSIS, ESQ.  
15 File No.: 3009.748  
16 Claim No.: 2018PI22508

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1 M. BUISSON  
2 M E L I S S I A B U I S S O N, called as  
3 a witness, having been first duly sworn by  
4 a Notary Public of the State of New York,  
5 was examined and testified as follows:

## 6 EXAMINATION BY

7 MS. VALASSIS:

8                   Q.        Please state your name for the  
9 record.

10 A. Melissa Buisson.

11 Q. What is your address?

12 A.

13

14 Q. Afternoon.

## 15 A. Afternoon.

16 Q. My name is Soulafreda Valassis.

17 I am representing the City for today's  
18 hearing.

19 I will ask you some questions  
20 about your accident and medical treatment  
21 you received.

22 If you do not understand my  
23 questions, please let me know and I will  
24 repeat or rephrase them.

25 I will ask that you wait for me

1 M. BUISSON  
2 to finish asking the entire question before  
3 you begin to answer, and also make sure to  
4 speak your answers instead of just nodding  
5 your head or using your hands.

6 A. Okay.

7 Q. Please note that your Notice of  
8 Claim cannot be amended orally during this  
9 hearing.

10 Any changes that you wish to  
11 make to the Notice of Claim must be made  
12 formally in writing via the appropriate  
13 means.

14 A. Okay.

15 MS. BLOOM: Let's go off the  
16 record.

19 MS. BLOOM: Back on the  
20 record.

21                   Q.       Do you understand these  
22       instructions?

23 A. Yes.

24 Q. Do you have photograph ID with  
25 you?

1 M. BUISSON

2 A. Yes.

3 Q. May I see it and make a  
4 photocopy?

5 A. Sure.

6 Q. How long have you been living  
7 at the address that you provided the court  
8 reporter?

9 A. Ten years, about.

10 Q. Do you live with anyone?

11 A. Yes, both my parents.

12 Q. What are their names?

13 A. And my sisters and brother.

14 Q. What are your parents' names?

15 A. Nicole Buisson, Edmond Buisson,  
16 same last name.

17 Q. What is your sister's name?

18 A. Jasmine.

19 Q. What is your brother's name?

20 A. Jeffry.

21 Q. What is your birthday?

22 A. [REDACTED].

23 Q. What is your Social Security  
24 number?

25 MS. BLOOM: Only last four on

1 M. BUISSON

2 the record.

3 MS. VALASSIS: That is fine.

4 A. [REDACTED].

5 Q. What is your marital status?

6 A. Single.

7 Q. Do you have any children?

8 A. No children.

9 Q. Were you employed around the  
10 time of the accident?

11 A. Yes.

12 Q. Who were you employed by?

13 A. Greater New York Home Care  
14 Agency and Helping You.

15 Q. And Helping You?

16 A. Yes, two different agency.

17 Q. What type of work were you  
18 doing?

19 A. I do private home care. I am  
20 an RN.

21 Q. Did you miss any time from work  
22 because of the accident?

23 A. Yes.

24 Q. How much time did you miss?

25 A. Seven days.

1 M. BUISSON

2 Q. Were you paid for the missed  
3 time?

4 A. Yes.

5 MS. VALASSIS: Is there a  
6 claim for lost wages, Counsel?

7 MS. BLOOM: I would have to  
8 call the attorney of record to find  
9 out.

10 MS. VALASSIS: Let's go off  
11 the record.

12 (Whereupon, an off-the-record  
13 discussion was held.)

14 MS. VALASSIS: Back on the  
15 record.

16 Q. What were you earning at the  
17 time of the accident, either weekly,  
18 biweekly or hourly?

19 A. \$980 weekly.

20 Q. What is your highest level of  
21 education?

22 A. Registered nurse.

23 Q. Did the accident take place on  
24 June 27, 2018?

25 A. Yes.

1 M. BUISSON

2 Q. Were you a driver or passenger?

3 A. Passenger.

4 Q. Who was the driver?

5 A. An Uber driver.

6 MS. VALASSIS: I will ask that  
7 we leave a blank in the record for  
8 that.

9 \_\_\_\_\_

10 \_\_\_\_\_.

11 Q. If you can find that out later,  
12 I will ask that you fill that in.

13 A. Okay.

14 Q. Do you have a driver's license?

15 A. Yes.

16 Q. Is that from New York State?

17 A. Yes.

18 Q. Does your license require the  
19 use of glasses, contacts, hearing aids or  
20 anything like that?

21 A. No.

22 Q. Where were you seated?

23 A. Behind the driver in the back  
24 seat.

25 Q. Was anyone else in the vehicle?

1 M. BUISSON

2 A. No.

3 Q. Do you know the make or model  
4 of the vehicle?

5 A. Black Toyota.

6 Q. Do you know the year?

7 A. No.

8                   Q.       Do you know who owns the  
9     vehicle, if it was the driver or someone  
10   else?

11 A. No.

12 Q. Did you consume any alcohol in  
13 the twenty-four hours prior to the  
14 accident?

15 A. No.

16 Q. Did you take any medication  
17 that day prior to the accident?

18 A. No.

19 Q. Was there any medication that  
20 you were supposed to take but failed to  
21 take?

22 A. No.

23 Q. Did you take any medication  
24 before today's hearing that would affect  
25 your ability to testify?

1 M. BUISSON

2 A. No.

3 Q. Where were you coming from at  
4 that time?

5 A. Home.

6 Q. Where were you headed?

7 A. Work.

8 Q. What was your work address?

9 A. 130 29th Street, Brooklyn, New  
10 York.

11 Q. What time did the accident take  
12 place?

13 A. 8:10.

14 Q. Is that a.m.?

15 A. P.m.

16 Q. When time were you expected at  
17 work?

18 A. 9:00.

19 Q. Were you in a rush to get to  
20 work?

21 A. No.

22 Q. What was the weather like at  
23 that time?

24 A. Dry, clear.

25 Q. Were the roads dry?

1 M. BUISSON

2 A. Yes.

3 Q. Where did the accident take  
4 place?

5 A. Nostrand and Beverly.

6 Q. Was the vehicle that you were  
7 in traveling in on Nostrand or on Beverly  
8 Road?

9 A. On Beverly.

10 Q. Did the accident take place in  
11 the intersection, before the intersection  
12 or after the intersection?

13 A. Before the intersection.

14 Q. Is Beverly a one- or two-way  
15 street at that location?

16 A. Two way.

17 Q. How many travel lanes are there  
18 on each side?

19 A. What do you mean?

20 Q. Is there just one lane for  
21 vehicles to travel in each direction, are  
22 there two lanes on each side of the street?

23 A. There is one lane, one going  
24 this way and one going that way  
25 (indicating).

1 M. BUISSON

2 Q. Are there parking lanes on  
3 Beverly?

4 A. Meaning are their cars parked  
5 on the side?

6 Q. Are there designated parking  
7 lanes?

8 A. Yes.

9 Q. Were vehicles parked there at  
10 the time of the accident?

11 A. Yes.

12 Q. Were vehicles parked on both  
13 sides of the street?

14 A. Yes.

15 Q. Is the roadway of Beverly Road  
16 level or is there an incline or decline at  
17 that specific location?

18 A. Level.

19 Q. Does the roadway travel  
20 straight or does it curve at all?

21 A. Straight.

22 Q. At the time of the accident,  
23 was the vehicle that you were in moving or  
24 stopped?

25 A. Stopped.

1 M. BUISSON

2 Q. For what purpose was it  
3 stopped?

4 A. A red light.

5 Q. Can you estimate how long the  
6 vehicle was stopped prior to the accident?

7 A. I would say like forty-five  
8 seconds to a minute.

9 Q. Once the vehicle came to a  
10 stop, did it move again at all before the  
11 accident happened or did it just remain  
12 stopped?

13 A. It just remained stopped.

14 Q. Can you describe the manner in  
15 which the vehicle came to a stop, gradual,  
16 sudden stop?

17 A. Gradual.

18 Q. Was there any conversation  
19 between you and the driver prior to the  
20 accident?

21 A. No.

22 Q. Where were you looking right  
23 before the accident happened?

24 A. Straight.

25 Q. Was there any construction in

1 M. BUISSON

2 the area of the accident?

3 A. No.

4 Q. Were you wearing a seatbelt?

5 A. Yes.

6 Q. Did the seatbelt come across  
7 your shoulder, lap or both?

8 A. Both.

9 Q. Do you know if the driver was  
10 wearing a seatbelt?

11 A. Yes.

12 Q. Can you describe the other  
13 vehicle that was involved in the accident?

14 A. New York City Sanitation truck.

15 Q. What color was it?

16 A. White.

17 Q. Did it have --

18 A. The green logo, yes.

19 Q. Did you see the sanitation  
20 truck at all before the accident happened,  
21 even if it was just for a split second?

22 A. No.

23 Q. How did you first realize there  
24 was an accident?

25 Did you see something, hear

1                           M. BUISSON

2       something, feel something?

3                           A.     I felt.

4                           Q.     What part of the Uber vehicle  
5       was involved in the accident?

6                           A.     What part of the -- the back I  
7       would assume, we got hit from the buck.

8                           Q.     Do you know if it was the  
9       entire rear, center or side?

10                          A.     The entire rear.

11                          Q.     What part of the sanitation  
12      truck was involved in the accident?

13                          A.     The front.

14                          Q.     Do you know if it was the  
15      entire front or just a portion?

16                          A.     I would say it was the entire  
17      front.

18                          Q.     How would you describe the  
19      impact, light, medium, heavy or some other  
20      word?

21                          A.     Heavy.

22                          Q.     As a result of the impact, did  
23      the vehicle that you were in move in any  
24      direction?

25                          A.     Yes.

1 M. BUISSON

2 Q. What direction did it move?

3 A. Straight.

4 Q. Can you estimate how far it  
5 moved?

6 A. A foot, I would say.

7 Q. Before the accident happened,  
8 did you hear the sound of any horns?

9 A. No.

10 Q. Before the accident happened,  
11 did you hear the sound of any screeching  
12 tires or brake sounds?

13 A. No.

14 Q. Did the airbags deploy?

15 A. No.

16 Q. Do you know if the vehicle was  
17 equipped with airbags?

18 A. No.

19 Q. As a result of the impact, did  
20 any part of your body come into contact  
21 with the inside of the car?

22 A. Yes.

23 Q. What part of your body was  
24 that?

25 A. My back and neck and my right

1 M. BUISSON

2 foot, I would say.

3 Q. What did your neck come into  
4 contact with?

5 A. The back seat.

6 Q. What did your back come into  
7 contact with?

8 A. The back seat.

9 Q. What about your right foot?

10 A. When I pressed down, I would  
11 say the floor of the car.

12 Q. Were you bleeding after the  
13 accident?

14 A. No.

15 Q. Did you lose consciousness?

16 A. No.

17 Q. Did the driver say anything to  
18 give a warning right before the accident  
19 happened?

20 A. No.

21 Q. Were there any vehicles stopped  
22 ahead of you at the light?

23 A. No.

24 Q. Did the light change from  
25 red to any other color prior to the

1 M. BUISSON

2 accident?

3 A. No.

4 Q. Were there any witnesses to  
5 the accident, other than the drivers and  
6 passengers involved?

7 A. No.

8 Q. Were you eating or drinking  
9 anything at the time of the accident?

10 A. No.

11 Q. Were you smoking?

12 A. No.

13 Q. Was the driver of your vehicle  
14 eating or drinking anything?

15 A. No.

16 Q. Was the driver smoking?

17 A. No.

18 Q. Was the cars radio on or off at  
19 the time of the accident?

20 A. Off.

21 Q. Were you using a cell phone at  
22 the time of the accident?

23 A. No.

24 Q. Was the driver using a cell  
25 phone?

1 M. BUISSON

2 A. No.

3 Q. Did you exit the vehicle at all  
4 after the accident at the scene of the  
5 accident?

6 A. Yes.

7 Q. Did you get out on your own or  
8 did you need assistance?

9 A. I got out on my own.

10 Q. Did you or anyone else take  
11 any photographs at the scene of the  
12 accident?

13 A. Yes.

14 Q. Who took the photographs?

15 A. I did and my dad did when he  
16 came to the scene.

17 Q. Did either of the drivers take  
18 photographs?

19 A. I'm not sure.

20 Q. The photographs that you and  
21 your dad took, do you know if they were  
22 provided to your attorneys?

23 A. Yes.

24 Q. Both photographs that you and  
25 your father took?

1 M. BUISSON

2 A. Yes.

3 MS. VALASSIS: I will call for  
4 production of the photographs.

5 MS. BLOOM: Under advisement.

6 Please make your demands in  
7 writing.

8 Q. Did you observe any damage to  
9 the Uber vehicle after the accident?

10 A. Yes.

11 Q. Can you describe the damage?

12 A. A dent, scratches, marks.

13 Q. Where were the scratches and  
14 marks, to what part of the vehicle?

15 A. The bumper, the back.

16 Q. Did you look to see if there  
17 was any damage to the sanitation truck?

18 A. Yes, I didn't see any.

19 Q. Did the driver of the Uber say  
20 anything or give you any information  
21 regarding how the accident happened?

22 A. No.

23 Q. Did you speak to the driver of  
24 the sanitation truck after the accident?

25 A. No, not really.

1 M. BUISSON

2 He just apologized, but  
3 we didn't really speak.

4 Q. Did the driver give you  
5 any information regarding the accident  
6 details?

7 A. No. Just made sure that we  
8 were okay.

9 Q. Was there a passenger in the  
10 sanitation truck?

11 A. No.

12 Q. Did police officers come to the  
13 scene of the accident?

14 A. Yes.

15 Q. Do you know who called the  
16 police?

17 A. I did.

18 Q. Did you give the officers a  
19 statement regarding how the accident  
20 happened?

21 A. Yes.

22 Q. What did you tell them?

23 A. We were standing at the red  
24 light and the truck just came from behind  
25 and hit us.

1 M. BUISSON

2 Q. Did you overhear the driver of  
3 the sanitation truck speaking to the police  
4 or anyone else at the scene of the  
5 accident?

6 A. No.

7 Q. Did you hear the driver of the  
8 Uber vehicle speaking with the police at  
9 the scene of the accident?

10 A. No.

11 Q. Did the police issue any  
12 traffic tickets?

13 A. I am not sure.

14 Q. Did you make any complaints of  
15 pain to the police officers?

16 A. Yes.

17 Q. What part of your body did you  
18 complain about?

19 A. My neck, back, shoulder and  
20 ankle.

21 Q. Which shoulder?

22 A. Both.

23 Q. Which ankle?

24 A. Right.

25 Q. Were you asked if you wanted an

1 M. BUISSON

2 ambulance?

3 A. Yes.

4 Q. What did you say?

5 A. Yes.

6 Q. What hospital were you taken  
7 to?

8 A. Kings County.

9 Q. Did anyone else go to the  
10 hospital?

11 A. No.

12 Q. When you left the scene of  
13 the accident, were the vehicles still  
14 there?

15 A. Yes.

16 Q. Do you know if either vehicle  
17 was towed?

18 A. I'm not sure.

19 Q. Did you ever speak to the  
20 driver of the Uber after that day?

21 A. No.

22 Q. What part of your body did you  
23 complain about at the emergency room that  
24 day?

25 A. Both shoulders, neck, upper to

1 M. BUISSON

2 mid-back area.

3 My knee and right ankle.

4 Q. Which knee?

5 A. Both knees.

6 Q. Were x-rays or CAT scans taken  
7 at the emergency room?

8 A. No.

9 Q. Were you given any brace or  
10 bandage at the hospital that day?

11 A. No.

12 Q. Were you prescribed any  
13 medication?

14 A. Yes.

15 Q. What were you prescribed?

16 A. Acetaminophen, 500 milligrams  
17 and a muscle relaxer.

18 Q. Do you know the name of the  
19 muscle relaxer?

20 A. No.

21 MS. VALASSIS: I will ask that  
22 we leave a blank in the record for  
23 that.

24 \_\_\_\_\_

25 \_\_\_\_\_.

1 M. BUISSON

2 Q. If you can find that out later,  
3 I will ask that you fill that in.

4 A. Okay.

5 Q. Did you have the medication  
6 filled at a pharmacy?

7 A. Yes.

8 Q. What pharmacy did you use?

9 A. CVS Pharmacy on Nostrand  
10 between Winthrop and Park Side.

11 Q. Is there any other treatment  
12 that you received at that hospital that  
13 day?

14 A. No.

15 Q. Where is the next place that  
16 you went for treatment after that?

17 A. Therapy.

18 Q. Do you know the name of the  
19 facility?

20 A. No, but can I get it.

21 Q. That is fine.

22 A. I think I have the card.

23 Q. Okay.

24 A. Sorry.

25 I don't have the card.

1 M. BUISSON

2 MS. VALASSIS: I will ask that  
3 we leave a blank in the record for  
4 that.

5 \_\_\_\_\_

6 \_\_\_\_\_.

7 Q. If you can find that out later,  
8 I will ask that you fill that in.

9 A. Okay.

10 Q. How long after the accident did  
11 you follow up with physical therapy?

12 A. The next day.

13 Q. Had you ever treated at that  
14 facility in the past?

15 A. No.

16 Q. Did anyone refer to you that  
17 facility?

18 A. Yes, a neighbor.

19 Q. What is the name of your  
20 neighbor?

21 A. Carol.

22 I don't know her last name.

23 MS. VALASSIS: I will ask that  
24 we leave a blank in the record for  
25 that.

1 M. BUISSON

2 \_\_\_\_\_  
3 \_\_\_\_\_.

4 Q. If you can find that out later,  
5 I will ask that you fill that in.

6 A. Okay.

7 Q. What part of your body did you  
8 receive the physical therapy to?

9 A. Shoulders, neck, back, ankle.

10 Q. Anywhere else?

11 A. That is it.

12 Q. Did you receive any physical  
13 therapy to your knees?

14 A. Yes. They did, they did the  
15 knees.

16 Q. How often were you receiving  
17 the physical therapy when you first  
18 started?

19 A. Three to four times a week.

20 Q. Are you still treating there  
21 now?

22 A. Yes.

23 Q. How often do you go now?

24 A. Same.

25 Three to four, sometimes five.

1                                 M. BUISSON

2                                 Q.       Did the physical therapy  
3                                 facility take any x-rays?

4                                 A.       No.

5                                 Q.       Were you sent out for x-rays?

6                                 A.       Just MRIs.

7                                 Q.       Where were the MRIs taken, what  
8                                 facility?

9                                 A.       I don't know the name. I can  
10                                find out.

11                                MS. VALASSIS: I will ask that  
12                                we leave a blank in the record for  
13                                that.

14                                \_\_\_\_\_

15                                \_\_\_\_\_.

16                                Q.       If you can find that out later,  
17                                I will ask that you fill that in.

18                                A.       Okay.

19                                Q.       Were you told the results of  
20                                the MRI?

21                                A.       Yes.

22                                Q.       What were you told?

23                                A.       Some disc herniations, a torn  
24                                rotator cuff, fractured ankle, tissue  
25                                damage on both the right and left shoulder,

1 M. BUISSON

2 a couple herniated discs from like my neck  
3 and my lumbar region.

4 That is all I remember.

5 Q. Where was the torn rotator  
6 cuff?

7 A. Right shoulder.

8 MS. BLOOM: Were those the  
9 result of the MRI?

10 THE WITNESS: Yes.

11 Q. Are you right- or left-handed?

12 A. Right-handed.

13 MS. BLOOM: Did you mention  
14 the ankle fracture?

15 THE WITNESS: Yes.

16 MS. BLOOM: Sorry.

17 Q. Were you given any cast or  
18 brace by the physical therapy facility?

19 A. Yes.

20 Q. What was it?

21 A. A neck brace, a shoulder,  
22 something for the shoulder.

23 Q. Was it a sling?

24 A. Yes.

25 Q. Okay.

1 M. BUISSON

2 A. An Ace bandage, foam, cushion,  
3 chair cushions, mattress comforter for when  
4 I sleep.

5 Those types of things.

6 Q. Were you given anything for  
7 your ankle?

8 A. I think that is what the  
9 bandage was for, the Ace bandage.

10 Q. How long did you wear that Ace  
11 bandage for?

12 A. I wear it every day.

13 Q. How long did you use the neck  
14 brace for?

15 A. I sleep with it every night.

16 Q. How long did you use the sling  
17 for?

18 A. About two weeks.

19 Q. Did anyone from the physical  
20 therapy facility prescribe medication?

21 A. No.

22 Q. Was surgery recommended for  
23 any part of your body relating to the  
24 accident?

25 A. Yes.

1 M. BUISSON

2 Q. For what part?

3 A. Shoulders, the rotator cuff  
4 and herniated disc.

5 Q. Was surgery recommended for  
6 your neck, back or both?

7 A. Both.

8 Q. I want to clarify.

9 Was surgery recommended for  
10 one shoulder or both?

11 A. Both shoulders.

12 Q. Were you given a diagnosis for  
13 your left shoulder?

14 A. Just torn tissues.

15 Q. Have you received surgery?

16 A. It is coming up.

17 Q. How many surgeries will you  
18 have?

19 A. It is looking like maybe  
20 three.

21 Q. For which parts of the body?

22 A. Right shoulder, left shoulder  
23 and -- I am guessing the back will be  
24 classified as one.

25 Q. Is there a date scheduled

1 M. BUISSON

2 for any of the surgeries at this  
3 time?

4 A. The first surgery I believe  
5 is in two weeks if I am not mistaken.

6 I do not know the exact date.

7 Q. Do you know the name of the  
8 doctor that is going to conduct the  
9 surgery?

10 A. I believe Dr. McMahon.

11 Q. Have you seen that doctor at  
12 all so far?

13 A. Yes.

14 Q. How many visits have you had?

15 A. One.

16 Q. What did Dr. McMahon do for you  
17 on that visit?

18 A. He got the results of my MRI,  
19 went over it.

20 He also discussed exactly the  
21 potential of doing the surgery or not doing  
22 the surgery.

23 He also discussed exactly what  
24 happens when the tissue gets damaged and  
25 just kind of went over exactly what those

1 M. BUISSON

2 types of tissue damages can do for me and  
3 et cetera.

4 Q. For which part of the body will  
5 the surgery be?

6 A. The right shoulder and left  
7 shoulder.

8 Q. Are they doing both the same  
9 day?

10 A. Two weeks apart I will do them.

11 Q. Did you have any consultations  
12 with anyone regarding back surgery?

13 Did you see a specialist?

14 A. Not yet.

15 Q. At this time, is there any  
16 appointment or plan to follow up with a  
17 back specialist?

18 A. Yes.

19 Q. Were you given the name of a  
20 doctor?

21 A. No.

22 Q. Is there an appointment  
23 scheduled at this time?

24 A. There is, but I had have an  
25 appointment that day, so I am trying to

1 M. BUISSON

2 change it for the next week but there is  
3 one.

4 Q. Did you treat with any other  
5 doctor, hospital, facility relating to the  
6 accident?

7 A. No.

8 Q. Is there any other medical  
9 treatment that you received relating to  
10 accident, other than what you already  
11 mentioned?

12 A. No.

13 Q. Did Dr. McMahon prescribe any  
14 medication?

15 A. No.

16 Q. Did Dr. McMahon give you any  
17 sling or brace to wear?

18 A. No.

19 Q. Other than continuing physical  
20 therapy and following up for the surgery,  
21 do you have any other plans for further  
22 treatment at this time relating to the  
23 accident?

24 A. Just between therapy and  
25 surgery, those are just about it.

1 M. BUISSON

2 Q. Currently, what medical  
3 complaints do you have relating to the  
4 accident?

5 What part of your body?

6 A. Neck pain, both shoulders,  
7 back, especially from upper to mid-back.

8 I get like tingling feelings,  
9 like pins and needles.

10 Q. Where?

11 A. Down my arms, down my arms.

12 Right ankle is in pain.

13 In the morning sometimes, both  
14 my knees get stiff when I get out of bed.  
15 I have to move them a little bit.

16 And like I guess lifting and  
17 like dressing and stuff like that causes  
18 discomfort, too.

19 Q. How often does your neck bother  
20 you?

21 A. Every day.

22 Q. How often does your back bother  
23 you?

24 A. Every day.

25 Q. How often do your shoulders

1 M. BUISSON

2 bother you?

3 A. Every day.

4 Q. How often does your ankle  
5 bother you?

6 A. Every day.

7 Q. How often do your knees bother  
8 you?

9 A. Every day.

10 Q. On a scale from one ten, ten  
11 being the highest, what would you say your  
12 rate of pain is in your neck?

13 A. Ten.

14 Q. How would you rate the pain in  
15 your back?

16 A. Ten.

17 Q. How would you rate the pain in  
18 your shoulders?

19 A. Ten.

20 Q. How would you rate the pain in  
21 your ankle?

22 A. Ten.

23 Q. And your knees?

24 A. Ten.

25 Q. Are there any activities

1 M. BUISSON

2 now that you cannot do because of the  
3 accident?

4 A. I used to exercise, like run on  
5 the treadmill.

6 I can't do that. I can't lift  
7 weights.

8 My patients at work, because I  
9 am a nurse, I was used to lifting and  
10 turning them and I can't do that anymore.

11 I can't walk for a long time  
12 because my back starts to hurt.

13 But I also can't sit for a long  
14 time because it is like I have to stand for  
15 a minute and sit for a minute.

16 I can't stand or sit in a  
17 certain positions for a while or I will  
18 start feeling pain.

19 Q. Are there any activities that  
20 you have trouble doing or cannot do as well  
21 as you used to?

22 A. My work.

23 Just not being able to lift or  
24 assist with my patients when they need help  
25 with doing something, with an ADL.

1 M. BUISSON

2 Exercising, I can't lift up  
3 certain weights and stuff.

4 Q. Where would you work out before  
5 the accident?

6 A. Blink, it's a gym on Flatbush.

7 Q. How often were you going to the  
8 gym before the accident?

9 A. Like three times a week.

10 Q. Have you been back at all since  
11 the accident?

12 A. No.

13 Q. What was your height and weight  
14 at the time of the accident?

15 A. I am 5'6" and a half and I  
16 believe that I was two-hundred and five.

17 Q. Was there any change in your  
18 weight after the accident?

19 A. I would say yes.

20 I think I lost a little bit of  
21 weight.

22 Q. Do you know what your weight is  
23 now?

24 A. I would hope one-hundred and  
25 ninety five or something.

1 M. BUISSON

2 Q. Have you been involved in any  
3 other car accidents, aside from this?

4 A. No.

5 Q. Before this accident, did you  
6 have any prior injury or treatment to your  
7 neck or back?

8 A. No.

9 Q. Before this accident, did you  
10 have any prior injury or treatment  
11 shoulder, right ankle or right foot?

12 A. No.

13 Q. Before this accident, did you  
14 have any prior injury or treatment to your  
15 knees?

16 A. No.

17 Q. Did you have any complaints  
18 regarding these parts of the body prior to  
19 the accident?

20 A. No.

21 Q. After this accident, did you  
22 have any further injuries to the same parts  
23 of the body?

24 A. No.

25 Q. Other than this case, have you

1 M. BUISSON  
2 brought any other claims or lawsuits  
3 against the City of New York, the State of  
4 New York, or any New York City or state  
5 agencies?

6 A. No.

7                   Q.     Was there any period of time  
8        after the accident that you were confined  
9        to your bed where you didn't get out of  
10      your bed because of your injuries?

11 A. Yes.

12 Q. How long was that?

13                   A.       I would say the first maybe  
14       three or four days.

15 Q. After that, was there any  
16 period of time that you did not leave your  
17 home, other than just going for medical  
18 treatment and coming straight home?

19 A. Yes.

20 Q. How long was that?

21                   A.     I would say a couple days, just  
22     not being able to go out, because of pain,  
23     not wanting to get in a car and stuff like  
24     that.

25 Q. Can you estimate how many days,

1 M. BUISSON

2 approximately?

3 A. Five days or so, I would say.

4 Q. Do you receive Medicare or  
5 Medicaid?

6 A. No.

7 Q. In the first few months after  
8 the accident, were there other activities  
9 that you could not do for a period of time  
10 that you are able to do now?

11 A. No.

12 Q. Have you had any out-of-pocket  
13 expenses for medical treatment relating to  
14 the accident?

15 A. No.

16 MS. VALASSIS: Let's go off  
17 the record.

18 (Whereupon, an off-the-record  
19 discussion was held.)

20 MS. VALASSIS: Back on the  
21 report.

22 Q. Was there any defect with the  
23 roadway that caused or contributed to the  
24 accident?

25 A. No.

1 M. BUISSON

2 Q. Was there any defect with  
3 traffic lights or traffic lines that caused  
4 or contributed to the accident?

5 A. No.

6 Q. Was there any defect or problem  
7 with lighting that caused or contributed to  
8 the accident?

9 A. No.

10 Q. Were there any other vehicles  
11 involved in the accident?

12 A. Aside from our vehicle and --

13 Q. Yes?

14 A. That is it.

15 Q. Just those two?

16 A. Yes.

17 Q. Do you know what insurance  
18 company insured the Uber vehicle?

19 A. No.

20 Q. Was any specific treatment  
21 recommended by the emergency room, as far  
22 as follow-up treatment?

23 A. Just pain management, rest.

24 Q. Were you told to follow up with  
25 any specific provider?

1 M. BUISSON

2 A. Yes.

3 Whether it is my doctor, if any  
4 pain continues.

5 Q. Who sent you for the MRI?

6 A. The therapy place.

7 Q. Did you have any tingling in  
8 your arms before the accident?

9 A. No.

10 Q. Did you have any prior injury  
11 or treatment to your arms before the  
12 accident?

13 A. No.

14 MS. VALASSIS: Off the record.

15 (Whereupon, an off-the-record  
16 discussion was held.)

17 MS. VALASSIS: Back on the  
18 record.

19 Thank you.

20 I have no further questions.

21 I will ask that the  
22 authorizations for medical treatment  
23 and No-Fault records are forwarded by  
24 the Claimant's counsel to the  
25 Comptroller's office and the hearing

1 M. BUISSON

2 will be deemed open until received.

3 MS. BLOOM: Thank you.

4 (Whereupon, at 4:20 P.M., the  
5 Examination of this witness was  
6 concluded.)

7

8               ◦               ◦               ◦               ◦

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1 M. BUISSON

2 D E C L A R A T I O N

3

4 I hereby certify that having been  
5 first duly sworn to testify to the truth, I  
6 gave the above testimony.

7

8 I FURTHER CERTIFY that the foregoing  
9 transcript is a true and correct transcript  
10 of the testimony given by me at the time  
11 and place specified hereinbefore.

12

13

14

15 \_\_\_\_\_ MELISSA BUISSON

16

17

18 Subscribed and sworn to before me  
19 this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

20

21

22 \_\_\_\_\_ NOTARY PUBLIC

23

24

25

1 M. BUISSON

2 C E R T I F I C A T E

3  
4 STATE OF NEW YORK )  
5 COUNTY OF NEW YORK ) : SS.:  
6

7 I, JENIFER PENNLINE, a Notary Public for  
8 and within the State of New York, do hereby  
9 certify:

10 That the witness whose examination is  
11 hereinbefore set forth was duly sworn and  
12 that such examination is a true record of  
13 the testimony given by that witness.

14 I further certify that I am not related  
15 to any of the parties to this action by  
16 blood or by marriage and that I am in no  
17 way interested in the outcome of this  
18 matter.

19 IN WITNESS WHEREOF, I have hereunto set  
20 my hand this 24th day of September 2018.

21

22



23

24 JENIFER PENNLINE

25